

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2683

United States of America,

Appellee,

v.

Cesar Caransa-Torres,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: April 21, 2004

Filed: April 23, 2004

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Cesar Caransa-Torres appeals the sentence imposed by the district court* after Caransa-Torres pleaded guilty to drug charges. On appeal, Caransa-Torres's counsel filed a brief under Anders v. California, 386 U.S. 738 (1967). Although Caransa-Torres was granted permission to file a pro se supplemental brief, he has not done so. Counsel argues the Sentencing Guidelines and statutory minimum terms of

*The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

imprisonment violate the Separation of Powers Doctrine and the Eighth Amendment. These arguments fail. See Chapman v. United States, 500 U.S. 453, 467 (1991); Mistretta v. United States, 488 U.S. 361, 380-84 (1989); United States v. Prior, 107 F.3d 654, 658-60 (8th Cir.), cert. denied, 522 U.S. 824 (1997).

Having carefully reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Thus, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.
